

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1008

Citations Affected: IC 5-3; IC 5-11; IC 6-1.1; IC 6-4.1; IC 13-21; IC 32-1; IC 33-17; IC 33-19; IC 34-30- IC 36-1; IC 36-2; IC 36-4; IC 36-8; IC 36-9; IC 8-17-1-45; IC 20-14-1-8; IC 34-28-5-1; IC 35-32-2-1; 6IC 36-6-6-8; IC 36-6-6-12.

Synopsis: Local government. Provides that a city, town, or school corporation may post notices at a post office, bank, or public building in which the respective governing bodies meet only if the city or town does not have a city or town hall, or the school district does not have an administration building. Prohibits a person who owes delinquent property taxes from purchasing real property at a tax sale or at a sheriff's sale of real property to which the county has obtained title. Revises the procedure for refunding inheritance tax that has been erroneously or illegally collected. Requires a change in city, town, or school corporation notice postings. Provides that a local official who attends a state called conference is entitled to receive reimbursement for meals. Specifies that a county is responsible for the construction, reconstruction, maintenance, and operation of the roads, including the ditches and signs for the roads, that make up the southern and eastern boundaries of the county. Adds city clerk and town clerk to the list of officials before whom the recording of a real property conveyance may be proved. Allows a township trustee in Adams county that is not served by a public library to pay the cost of a library card for a resident of the township. Cross references to a provision that allows legislators and certain others to prove a conveyance. Removes municipal courts from the distribution of the qualified municipality share of court fees. Requires that funds appropriated for clerk-treasurer legal expenses be allocated to the clerk-treasurer. Provides that a county clerk is not personally liable for dishonored checks presented for the payment of fees, court ordered payments, or licenses. Provides that if an infraction allegedly took place on a public highway that runs on and along a common boundary shared by two or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action. Provides that if a person commits a crime on a public highway that runs on and along a common boundary shared by at least two counties, the person's trial may be held in any county that shares the common boundary. Requires that one copy of the financial records of each agency, board, commission or district or other municipal entity must be filed with the municipal fiscal officer. Provides that a county recorder is not personally liable for dishonored checks presented for the payment of fees. Provides that a county treasurer is not personally liable for an act or omission occurring in connection with the performance of the county treasurer's official duties, except under certain circumstances. Requires that documents submitted to a county recorder must be legible. Repeals statute requiring the county auditor to collect a fee for each assessed value deduction application received from a property taxpayer. Makes changes regarding filings to collect delinquent municipal sewer fees. Allows a solid waste management district in Vanderburgh County to provide grants and loans to plant and maintain trees on rights-of-way, public property, and vacant property. Requires each county, municipality, and township to forward matters related to dishonored checks to the prosecuting attorney. Requires the secretary of the township legislative

body to: (1) provide copies of the legislative body's meeting minutes to each legislative body member; and (2) place the minutes in the permanent record book after the minutes are approved by the legislative body. Specifies that a township representative attending a meeting, conference, or other similar activity approved by the township trustee shall be allowed reimbursement for all necessary and legitimate expenses incurred. Requires expenses to be paid in accordance with the township's reimbursement policy which may include an established per diem rate, as recommended by the township trustee and adopted by the township legislative body. Allows a town board of metropolitan police commissioners to provide for a one year probationary period for town police officers. Provides that the county executive must publish a statement of the county's receipts and expenditures during the preceding calendar year including the total compensation paid to all county officers, deputies and employees. Allows Indian Creek township of Pulaski County to transfer \$8, 200 from the township's fire fund to the township general fund. Allows Indian Creek Township in Pulaski County to reduce the maximum permissible levy for the township's fire fund by \$4,000 and increase the maximum permissible levy for the township's general fund by \$4,000. (This conference committee report does the following: Specifies that a county is responsible for the construction, reconstruction, maintenance, and operation of the roads, including the ditches and signs for the roads, that make up the southern and eastern boundaries of the county. Provides that if an infraction allegedly took place on a public highway that runs on and along a common boundary shared by two or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action. Provides that if a person commits a crime on a public highway that runs on and along a common boundary shared by at least two counties, the person's trial may be held in any county that shares the common boundary. Allows a township trustee in Adams county that is not served by a public library to pay the cost of a library card for a resident of the township. Requires the secretary of the township legislative body to: (1) provide copies of the legislative body's meeting minutes to each legislative body member; and (2) place the minutes in the permanent record book after the minutes are approved by the legislative body. Specifies that a township representative attending a meeting, conference, or other similar activity approved by the township trustee shall be allowed reimbursement for all necessary and legitimate expenses incurred. Requires expenses to be paid in accordance with the township's reimbursement policy which may include an established per diem rate, as recommended by the township trustee and adopted by the township legislative body. Provides that the county executive must publish a statement of the county's receipts and expenditures during the preceding calendar year including the name and total compensation paid to each county officer, deputy and employee.)

Effective: July 1, 2000; January 1, 2000 (retroactive); Upon passage.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1008 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 7, between lines 25 and 26, begin a new paragraph and insert:
- 2 "SECTION 7. IC 8-17-1-45 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 45. (a) Each county is
- 4 responsible for the construction, reconstruction, maintenance, and
- 5 operation of the roads, **including the ditches and signs for those**
- 6 **roads**, making up its southern and eastern boundaries.
- 7 (b) The county executives of two (2) adjoining counties may enter
- 8 into an agreement under IC 36-1-7 for the construction, reconstruction,
- 9 maintenance, or operation of any road or part of a road that makes up
- 10 the boundary between the two (2) counties. In addition to the
- 11 requirements of IC 36-1-7-3, an agreement under this section must
- 12 provide for the following:
- 13 (1) The division of costs between the counties.
- 14 (2) The schedule for the work.
- 15 (3) The method of resolving disputes concerning the agreement
- 16 if any arise.
- 17 (4) Any other terms the counties consider necessary.
- 18 SECTION 8. IC 20-14-1-8 IS ADDED TO THE INDIANA CODE
- 19 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
- 20 1, 2000]: **Sec. 8. A township trustee of a township that is:**
- 21 **(1) located in a county having a population of more than**
- 22 **thirty-one thousand (31,000) but less than thirty-one thousand**
- 23 **five hundred (31,500); and**
- 24 **(2) not served by a public library;**
- 25 **may pay the cost of a library card at the nearest library for a**
- 26 **resident of the township upon request of the resident."**
- 27 Page 10, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 12. IC 34-28-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. **However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.**

(b) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(c) Actions under this chapter (or IC 34-4-32 before its repeal):

(1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and

(2) must be brought within two (2) years after the alleged conduct or violation occurred.

(d) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(e) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(f) The prosecuting attorney or the attorney for a municipal corporation may establish a deferral program for deferring actions brought under this section. Actions may be deferred under this section if:

(1) the defendant in the action agrees to conditions of a deferral program offered by the prosecuting attorney or the attorney for a municipal corporation;

(2) the defendant in the action agrees to pay to the clerk of the court an initial user's fee and monthly user's fee set by the prosecuting attorney or the attorney for the municipal corporation in accordance with IC 33-19-5-2(e);

(3) the terms of the agreement are recorded in an instrument signed by the defendant and the prosecuting attorney or the attorney for the municipal corporation;

(4) the defendant in the action agrees to pay court costs of twenty-five dollars (\$25) to the clerk of court if the action involves a moving traffic offense (as defined in IC 9-13-2-110); and

(5) the agreement is filed in the court in which the action is brought.

When a defendant complies with the terms of an agreement filed under this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting attorney or the attorney for the municipal corporation shall request the court to dismiss the action. Upon receipt of a request to dismiss an action under this subsection, the court shall dismiss the action. An action dismissed under this subsection (or IC 34-4-32-1(f) before its repeal) may not be refiled."

Page 10, between lines 32 and 33, begin a new paragraph and insert:
 "SECTION 16. IC 35-32-2-1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) Criminal actions
 shall be tried in the county where the offense was committed, except as
 otherwise provided by law.

(b) If a person committing an offense upon the person of another is
 located in one (1) county and his victim is located in another county at
 the time of the commission of the offense, the trial may be in either of
 the counties.

(c) If the offense involves killing or causing the death of another
 human being, the trial may be in the county in which the:

(1) cause of death is inflicted;

(2) death occurs; or

(3) victim's body is found.

(d) If an offense is committed in Indiana and it cannot readily be
 determined in which county the offense was committed, trial may be in
 any county in which an act was committed in furtherance of the
 offense.

(e) If an offense is commenced outside Indiana and completed
 within Indiana, the offender may be tried in any county where any act
 in furtherance of the offense occurred.

(f) If an offense commenced inside Indiana is completed outside
 Indiana, the offender shall be tried in any county where an act in
 furtherance of the offense occurred.

(g) If an offense is committed on the portions of the Ohio or Wabash
 Rivers where they form a part of the boundaries of this state, trial may
 be had in the county that is adjacent to the river and whose boundaries,
 if projected across the river, would include the place where the offense
 was committed.

(h) If an offense is committed at a place which is on or near a
 common boundary which is shared by two (2) or more counties and it
 cannot be readily determined where the offense was committed, then
 the trial may be had in any county sharing the common boundary.

**(i) If an offense is committed on a public highway (as defined in
 IC 9-25-2-4) that runs on and along a common boundary shared by
 two (2) or more counties, the trial may be held in any county
 sharing the common boundary."**

Page 10, line 35, delete "(a)".

Page 11, line 28, reset in roman "name of and".

Page 11, line 29, reset in roman "each".

Page 11, line 29, delete "all".

Page 11, line 29, reset in roman "officer, deputy, and".

Page 11, line 30, reset in roman "employee."

Page 11, line 30 delete "officers, deputies, and employees."

Page 12, between lines 33 and 34, begin a new paragraph and insert:
 "SECTION 23. IC 36-6-6-8 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. The legislative body
 shall keep a permanent record of its proceedings in a book furnished by
 the executive. The secretary of the legislative body shall, under the
 direction of the legislative body, record the **minutes of the** proceedings
 of each meeting in full and **sign the record before the adjournment of**

1 ~~each meeting~~; shall provide copies of the minutes to each member
 2 of the legislative body before the next meeting is convened. After
 3 the minutes are approved by the legislative body, the secretary of
 4 the legislative body shall place the minutes in the permanent
 5 record book. The chairman of the legislative body shall retain the
 6 record in his custody.

7 SECTION 24. IC 36-6-6-12 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 12. (a) The legislative
 9 body may appropriate money for membership of the township in
 10 county, state, or national associations that:

11 (1) are of a civic, educational, or governmental nature; and

12 (2) have as a purpose the improvement of township governmental
 13 operations.

14 The township representatives may participate in the activities of these
 15 associations, and the legislative body may appropriate money to defray
 16 the expenses of township representatives in connection with these
 17 activities.

18 (b) Each representative of the township attending any meeting,
 19 conference, seminar, or convention approved by the township
 20 trustee shall be allowed reimbursement for all necessary and
 21 legitimate expenses incurred while representing the township.
 22 Expenses shall be paid to each representative in accordance with
 23 the township's reimbursement policy, which may include an
 24 established per diem rate, as recommended by the township trustee
 25 and adopted by the township legislative body.".

26 Renumber all SECTIONS consecutively.

(Reference is to EHB as reprinted February 15, 2000.)

Conference Committee Report
on
Engrossed House Bill 1008

Signed by:

Representative Stevenson
Chairperson

Senator Skillman

Representative Ayres

Senator Wolf

House Conferees

Senate Conferees